

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTIAN DOSCHER,

Plaintiff,

v.

KROGER CO. et al.,

Defendants.

CASE NO. 3:21-cv-05255-TL

ORDER DECLINING TO RETAIN  
SUPPLEMENTAL JURISDICTION  
OVER STATE LAW CLAIMS

This matter is before the Court pursuant to the Ninth Circuit's order in *Doscher v. Kroger Co., et al.*, No. 23-35229 (9th Cir. July 10, 2024), and this Court's previous Order on Defendants' Motion to Dismiss ("Order") (Dkt. Nos. 39 (Order), 28 (Motion to Dismiss)).

The Ninth Circuit affirmed the Court's Order dismissing Mr. Doscher's federal causes of action for failure to state a claim. However, the Ninth Circuit reversed and remanded the Court's dismissal of Mr. Doscher's Washington state law claims. *See* Dkt. No. 46 at 4. In its order, the Ninth Circuit noted that "[w]hile a district court 'may decline to exercise supplemental

1 jurisdiction' over remaining state law claims,'” the Court did not indicate that it was exercising  
2 the discretion.. *Id.*

3 Where, as here, a district court's original jurisdiction over a plaintiff's federal claims  
4 afford supplemental jurisdiction to decide related state law claims, and the district court  
5 subsequently dismisses the federal claims, “[t]he decision to exercise supplemental jurisdiction is  
6 within the discretion of the district court and that court must be given an opportunity to make  
7 that decision.” *Pell v. Nuñez*, 99 F.4th 1128, 1135 (9th Cir. 2024) (quoting *Fang v. United States*,  
8 140 F.3d 1238, 1244 (9th Cir. 1998) (alteration in original)). The Court declines to exercise  
9 supplemental jurisdiction over Mr. Doscher's remaining state law claims here.

10 Accordingly, Mr. Doscher's state law claims for violations of the Washington Law  
11 Against Discrimination in Counts 2-3, 8, 10, and 12 (Dkt. No. 12 ¶¶ 74–87, 139, 145, 149–52)  
12 and in Count 16 for negligence (*id.* ¶¶ 173–78) are DISMISSED WITHOUT PREJUDICE.

13 Dated this 3rd day of September 2024.

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16 Tana Lin  
United States District Judge

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